IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Group Art Unit: 1653
Eric OLSON and Akiko ARAI	Examiner: Mondesi, Robert B.
Serial No.: 10/644,659	Atty. Dkt. No.: MYOG:037US/SLH
Filed: August 20, 2003	
For: STARS-A MUSCLE-SPECIFIC ACTIN-BINDING PROTEIN	

DECLARATION OF ERIC N. OLSON AND AKIKO ARAI UNDER 37 C.F.R. §1.131

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-01450, on the date below:

January 13, 2006
Date

Steven L. Highlander

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Eric N. Olson and Akiko Arai, do declare the following:

1.   Eric N. Olson is a U.S. citizen residing at 3219 Southwestern, Dallas, Texas, and currently holds the position of Professor and Chairman of the Department of Molecular Biology at University of Texas Southwestern, Dallas, TX. Akiko Arai was a Japanese citizen, most recently residing in Japan.

2. Eric Olson and Akiko Arai are the named inventors in the above-captioned application, U.S. Serial No. 10/644,659, entitled "STARS-A MUSCLE-SPECIFIC ACTIN-BINDING PROTEIN."

3. The above-named inventors had obtained the complete sequence of the STARS gene prior to November 5, 2001, as evidenced by the attached documents. These documents reflect records of a sequencing facility at UT Southwestern Medical Center, Dallas, TX, which records were recovered from a Filemaker database housed in the facility and compiled during the first two weeks of January, 2006. Dr. Arai had sent STARS DNA to this facility, and the attached 3 sequences generated therefrom (tab A) together provide the complete human STARS gene sequence (as shown by the compilation attached under tab B). These sequences were generated prior to November 5, 2001, as evidenced by dates (redacted) on these printouts.

4. As mentioned in previously submitted declarations in this prosecution, was necessitated Dr. Arai is deceased. Thus, she was not available to provide a detailed account of her activities or to provide records that were in her possession, necessitating the investigation described in paragraph 3, above. For the same reason, she is unavailable to sign this declaration.

5.   We hereby declare that all statements made of our own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

1-12-06

_____
Date

_____
Date

_____
Eric N. Olson

_____
Akiko Arai (Deceased)

EXHIBIT A

07139-65.txt

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07139-65
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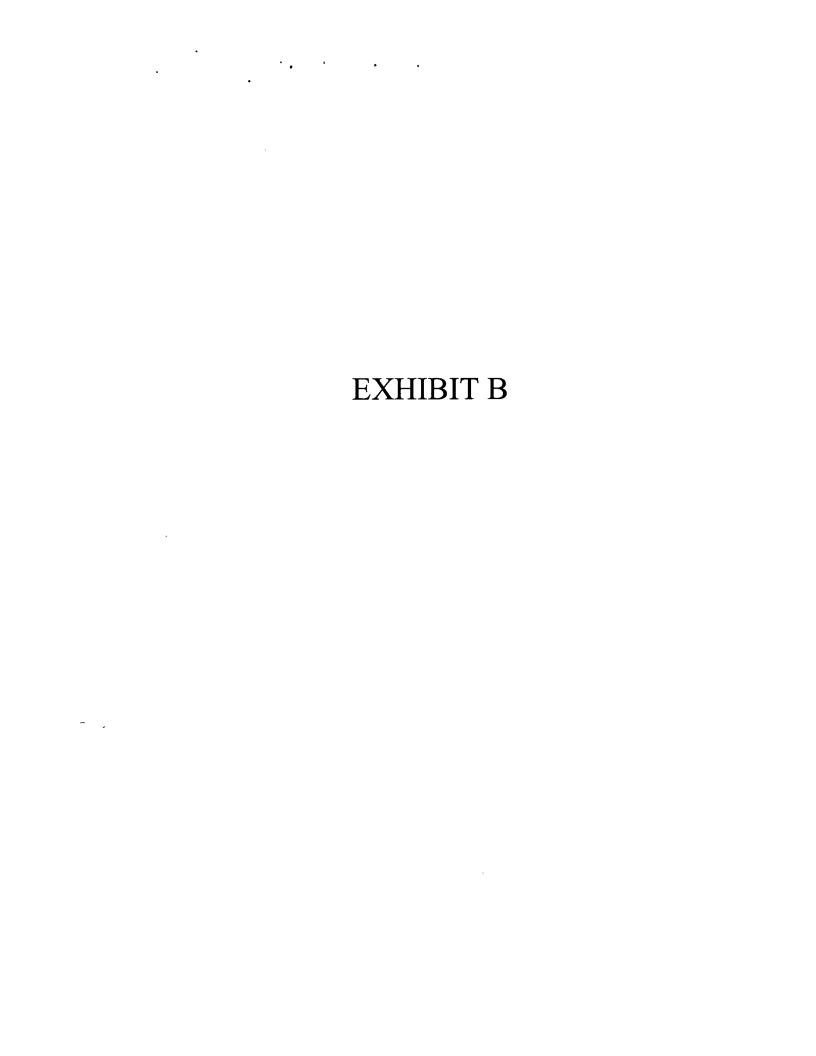NGNNNNCC1

07019-98.txt

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EXHIBIT B

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                                340       350       360       370       380
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07139-65.Seq(1>1200)     ←    ACACAGAGGACAGTGGCTACGGAGGGGATATGGAGGAGAGGCCTGAGCAAGATGC


                                  610       620       630       640       650       660
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STARS_cDNA.seq(1>1128)    →    tcccttcagtgacgaatttgactatgacctagccatgtccactcggctccacaag
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07079-65.Seq(1>1040)     ←    TCCCTTCAGTGACGAATTTGACTATGACCTAGCCATGTCCACTCGGCTCCACAAG


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